

FIFTH DAY

Tuesday, January 27, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 9:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Aiea Honpa Hongwanji, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fourth Day.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 21 to 23) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 21 "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO SUBMIT LEGISLATION TO IMPLEMENT ELECTRIC COMPETITION IN THE STATE OF HAWAII."

Offered by: Senator Mizuguchi, by request.

No. 22 "SENATE CONCURRENT RESOLUTION THE HAWAII STATE LEGISLATURE URGES THE U.S. CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT THE HAWAII CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT TO INCREASE HAWAII'S FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)."

Offered by: Senator Mizuguchi, by request.

No. 23 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF BOTH FAST AND SUBMERGED LANDS AT ALA WAI SMALL BOAT HARBOR FOR REDEVELOPMENT, MANAGEMENT, AND OPERATION BY QUALIFIED PRIVATE ENTITIES FOR MARINA AND YACHT CLUB PURPOSES."

Offered by: Senator Mizuguchi, by request.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Friday, January 23, 1998:

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| Senate Bill | Referred to: |
| No. 2308 | Committee on Commerce, Consumer Protection, and Information Technology |
| No. 2309 | Committee on Commerce, Consumer Protection, and Information Technology |
| No. 2310 | Committee on Education, then to the Committee on Judiciary |
| No. 2311 | Committee on Judiciary |
| No. 2312 | Committee on Judiciary |
| No. 2313 | Committee on Judiciary |

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| No. 2314 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 2315 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 2316 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 2317 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 2318 | Committee on Judiciary |
| No. 2319 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 2320 | Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary |
| No. 2321 | Committee on Human Resources, then to the Committee on Ways and Means |
| No. 2322 | Committee on Human Resources, then to the Committee on Judiciary |
| No. 2323 | Committee on Judiciary |
| No. 2324 | Committee on Judiciary |
| No. 2325 | Committee on Human Resources, then to the Committee on Judiciary |
| No. 2326 | Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means |
| No. 2327 | Committee on Government Operations and Housing |
| No. 2328 | Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary |
| No. 2329 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 2330 | Committee on Transportation and Intergovernmental Affairs |
| No. 2331 | Committee on Human Resources |
| No. 2332 | Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology |
| No. 2333 | Committee on Health and Environment, then to the Committee on Ways and Means |
| No. 2334 | Committee on Commerce, Consumer Protection, and Information Technology |
| No. 2335 | Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary |
| No. 2336 | Committee on Human Resources, then to the Committee on Ways and Means |
| No. 2337 | Committee on Health and Environment, then to the Committee on Ways and Means |
| No. 2338 | Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer |

Protection, and Information Technology, then to the Committee on Ways and Means	No. 2363	Committee on Ways and Means
No. 2339 Committee on Transportation and Intergovernmental Affairs	No. 2364	Committee on Ways and Means
No. 2340 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2365	Committee on Human Resources, then to the Committee on Ways and Means
No. 2341 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2366	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2342 Committee on Judiciary, then to the Committee on Ways and Means	No. 2367	Committee on Judiciary, then to the Committee on Ways and Means
No. 2343 Committee on Economic Development, then to the Committee on Ways and Means	No. 2368	Committee on Ways and Means
No. 2344 Committee on Commerce, Consumer Protection, and Information Technology	No. 2369	Committee on Ways and Means
No. 2345 Committee on Health and Environment	No. 2370	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2346 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2371	Committee on Commerce, Consumer Protection, and Information Technology
No. 2347 Committee on Health and Environment	No. 2372	Committee on Health and Environment, then to the Committee on Judiciary
No. 2348 Committee on Health and Environment, then to the Committee on Ways and Means	No. 2373	Committee on Human Resources, then to the Committee on Judiciary
No. 2349 Committee on Health and Environment, then to the Committee on Ways and Means	No. 2374	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2350 Committee on Health and Environment, then to the Committee on Ways and Means	No. 2375	Committee on Judiciary
No. 2351 Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2376	Committee on Judiciary
No. 2352 Committee on Judiciary, then to the Committee on Ways and Means	No. 2377	Committee on Judiciary
No. 2353 Committee on Judiciary	No. 2378	Committee on Judiciary
No. 2354 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2379	Committee on Judiciary
No. 2355 Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2380	Committee on Human Resources, then to the Committee on Ways and Means
No. 2356 Committee on Economic Development, then to the Committee on Ways and Means	No. 2381	Committee on Economic Development, then to the Committee on Ways and Means
No. 2357 Committee on Ways and Means	No. 2382	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
No. 2358 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2383	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
No. 2359 Committee on Commerce, Consumer Protection, and Information Technology	No. 2384	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
No. 2360 Committee on Economic Development, then to the Committee on Ways and Means	No. 2385	Jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2361 Committee on Ways and Means	No. 2386	Committee on Human Resources, then to the Committee on Ways and Means
No. 2362 Committee on Human Resources, then to the Committee on Ways and Means		

- No. 2387 Committee on Health and Environment, then to the Committee on Transportation and Intergovernmental Affairs
- No. 2388 Committee on Education, then to the Committee on Health and Environment
- No. 2389 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2390 Committee on Health and Environment
- No. 2391 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2392 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2393 Committee on Economic Development, then to the Committee on Judiciary
- No. 2394 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2395 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2396 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2397 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2398 Committee on Judiciary
- No. 2399 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2400 Committee on Judiciary
- No. 2401 Committee on Judiciary
- No. 2402 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2403 Committee on Judiciary
- No. 2404 Committee on Judiciary
- No. 2405 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2406 Committee on Education, then to the Committee on Ways and Means
- No. 2407 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2408 Committee on Human Resources, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 2409 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2410 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Judiciary
- No. 2411 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
- No. 2412 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2413 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2414 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2415 Committee on Judiciary
- No. 2416 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2417 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2418 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2419 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2420 Committee on Human Resources, then to the Committee on Judiciary
- No. 2421 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2422 Committee on Health and Environment
- No. 2423 Committee on Human Resources, then to the Committee on Judiciary
- No. 2424 Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 2425 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2426 Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 2427 Committee on Government Operations and Housing, then to the Committee on Judiciary
- No. 2428 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2429 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2430 Committee on Human Resources, then to the Committee on Judiciary
- No. 2431 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2432 Committee on Ways and Means
- No. 2433 Committee on Ways and Means
- No. 2434 Committee on Ways and Means
- No. 2435 Committee on Education, then to the Committee on Ways and Means

- No. 2436 Committee on Education, then to the Committee on Ways and Means
- No. 2437 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2438 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2439 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 2440 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 2441 Committee on Judiciary
- No. 2442 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2443 Committee on Education, then to the Committee on Ways and Means
- No. 2444 Committee on Education, then to the Committee on Ways and Means
- No. 2445 Committee on Education, then to the Committee on Ways and Means
- No. 2446 Committee on Education, then to the Committee on Ways and Means
- No. 2447 Committee on Education, then to the Committee on Ways and Means
- No. 2448 Committee on Education, then to the Committee on Ways and Means
- No. 2449 Jointly to the Committee on Education and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2450 Committee on Ways and Means
- No. 2451 Committee on Education, then to the Committee on Ways and Means
- No. 2452 Committee on Education, then to the Committee on Ways and Means
- No. 2453 Committee on Education, then to the Committee on Ways and Means
- No. 2454 Committee on Human Resources
- No. 2455 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2456 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2457 Jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2458 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2459 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2460 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2461 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2462 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2463 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2464 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2465 Committee on Judiciary
- No. 2466 Committee on Judiciary
- No. 2467 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2468 Committee on Education, then to the Committee on Ways and Means
- No. 2469 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2470 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 2471 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2472 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
- No. 2473 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2474 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary
- No. 2475 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2476 Committee on Transportation and Intergovernmental Affairs
- No. 2477 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2478 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2479 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2480 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2481 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2482 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2483 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2484 Committee on Ways and Means
- No. 2485 Committee on Health and Environment, then to the Committee on Ways and Means

No. 2486	Committee on Education, then to the Committee on Ways and Means	No. 2510	Committee on Human Resources, then to the Committee on Ways and Means
No. 2487	Committee on Economic Development	No. 2511	Committee on Judiciary
No. 2488	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2512	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2489	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2513	Committee on Judiciary
No. 2490	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology	No. 2514	Committee on Judiciary
No. 2491	Committee on Government Operations and Housing	No. 2515	Committee on Judiciary
No. 2492	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2516	Committee on Commerce, Consumer Protection, and Information Technology
No. 2493	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2517	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2494	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2518	Committee on Judiciary, then to the Committee on Ways and Means
No. 2495	Committee on Human Resources, then to the Committee on Ways and Means	No. 2519	Committee on Judiciary
No. 2496	Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means	No. 2520	Committee on Judiciary
No. 2497	Committee on Ways and Means	No. 2521	Committee on Judiciary
No. 2498	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Ways and Means	No. 2522	Committee on Judiciary
No. 2499	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2523	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2500	Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means	No. 2524	Committee on Judiciary
No. 2501	Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2525	Committee on Commerce, Consumer Protection, and Information Technology
No. 2502	Committee on Judiciary	No. 2526	Committee on Judiciary
No. 2503	Committee on Economic Development, then to the Committee on Ways and Means	No. 2527	Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2504	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2528	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2505	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means	No. 2529	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Judiciary
No. 2506	Committee on Health and Environment, then to the Committee on Ways and Means	No. 2530	Committee on Judiciary
No. 2507	Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2531	Committee on Judiciary
No. 2508	Committee on Judiciary	No. 2532	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2509	Committee on Education	No. 2533	Committee on Judiciary
		No. 2534	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
		No. 2535	Committee on Judiciary

No. 2536	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 2562	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
No. 2537	Committee on Judiciary	No. 2563	Committee on Education, then to the Committee on Ways and Means
No. 2538	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2564	Committee on Commerce, Consumer Protection, and Information Technology
No. 2539	Committee on Judiciary	No. 2565	Committee on Judiciary
No. 2540	Committee on Transportation and Intergovernmental Affairs	No. 2566	Committee on Health and Environment, then to the Committee on Judiciary
No. 2541	Committee on Judiciary, then to the Committee on Ways and Means	No. 2567	Committee on Transportation and Intergovernmental Affairs
No. 2542	Committee on Judiciary	No. 2568	Committee on Education, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2543	Committee on Judiciary, then to the Committee on Ways and Means	No. 2569	Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 2544	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 2570	Committee on Economic Development, then to the Committee on Judiciary
No. 2545	Committee on Judiciary	No. 2571	Committee on Commerce, Consumer Protection, and Information Technology
No. 2546	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2572	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2547	Committee on Judiciary	No. 2573	Committee on Judiciary, then to the Committee on Ways and Means
No. 2548	Committee on Judiciary	No. 2574	Committee on Judiciary
No. 2549	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2575	Committee on Commerce, Consumer Protection, and Information Technology
No. 2550	Committee on Judiciary	No. 2576	Committee on Commerce, Consumer Protection, and Information Technology
No. 2551	Committee on Judiciary	No. 2577	Committee on Education, then to the Committee on Ways and Means
No. 2552	Committee on Judiciary	No. 2578	Committee on Commerce, Consumer Protection, and Information Technology
No. 2553	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2579	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2554	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 2580	Committee on Education
No. 2555	Committee on Economic Development	No. 2581	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2556	Committee on Transportation and Intergovernmental Affairs	No. 2582	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2557	Committee on Judiciary, then to the Committee on Ways and Means	No. 2583	Committee on Commerce, Consumer Protection, and Information Technology
No. 2558	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2584	Committee on Education, then to the Committee on Ways and Means
No. 2559	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Ways and Means	No. 2585	Committee on Education, then to the Committee on Ways and Means
No. 2560	Committee on Human Resources, then to the Committee on Ways and Means		
No. 2561	Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Commerce, Consumer Protection, and Information Technology		

No. 2586	Committee on Commerce, Consumer Protection, and Information Technology	No. 2610	Committee on Commerce, Consumer Protection, and Information Technology
No. 2587	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2611	Committee on Commerce, Consumer Protection, and Information Technology
No. 2588	Committee on Commerce, Consumer Protection, and Information Technology	No. 2612	Committee on Ways and Means
No. 2589	Committee on Commerce, Consumer Protection, and Information Technology	No. 2613	Committee on Ways and Means
No. 2590	Committee on Education	No. 2614	Committee on Human Resources, then to the Committee on Ways and Means
No. 2591	Committee on Commerce, Consumer Protection, and Information Technology	No. 2615	Committee on Human Resources, then to the Committee on Ways and Means
No. 2592	Committee on Commerce, Consumer Protection, and Information Technology	No. 2616	Committee on Human Resources, then to the Committee on Ways and Means
No. 2593	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology	No. 2617	Committee on Judiciary
No. 2594	Committee on Commerce, Consumer Protection, and Information Technology	No. 2618	Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means
No. 2595	Committee on Commerce, Consumer Protection, and Information Technology	No. 2619	Committee on Commerce, Consumer Protection, and Information Technology
No. 2596	Committee on Commerce, Consumer Protection, and Information Technology	No. 2620	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary
No. 2597	Committee on Education, then to the Committee on Ways and Means	No. 2621	Committee on Human Resources, then to the Committee on Ways and Means
No. 2598	Committee on Commerce, Consumer Protection, and Information Technology	No. 2622	Committee on Human Resources, then to the Committee on Ways and Means
No. 2599	Committee on Commerce, Consumer Protection, and Information Technology	No. 2623	Jointly to the Committee on Human Resources and the Committee on Education, then to the Committee on Ways and Means
No. 2600	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2624	Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 2601	Committee on Commerce, Consumer Protection, and Information Technology	No. 2625	Committee on Education
No. 2602	Committee on Commerce, Consumer Protection, and Information Technology	No. 2626	Committee on Health and Environment, then to the Committee on Judiciary
No. 2603	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2627	Committee on Commerce, Consumer Protection, and Information Technology
No. 2604	Committee on Commerce, Consumer Protection, and Information Technology	No. 2628	Committee on Human Resources, then to the Committee on Ways and Means
No. 2605	Committee on Judiciary	No. 2629	Committee on Human Resources, then to the Committee on Ways and Means
No. 2606	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 2630	Committee on Human Resources, then to the Committee on Ways and Means
No. 2607	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2631	Committee on Human Resources, then to the Committee on Judiciary
No. 2608	Committee on Commerce, Consumer Protection, and Information Technology	No. 2632	Committee on Health and Environment, then to the Committee on Ways and Means
No. 2609	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2633	Committee on Commerce, Consumer Protection, and Information Technology
		No. 2634	Committee on Ways and Means
		No. 2635	Committee on Human Resources, then to the Committee on Ways and Means

No. 2636	Committee on Economic Development, then to the Committee on Ways and Means	No. 2659	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2637	Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2660	Committee on Transportation and Intergovernmental Affairs
No. 2638	Committee on Health and Environment, then to the Committee on Ways and Means	No. 2661	Committee on Transportation and Intergovernmental Affairs
No. 2639	Committee on Commerce, Consumer Protection, and Information Technology	No. 2662	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2640	Committee on Commerce, Consumer Protection, and Information Technology	No. 2663	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2641	Committee on Health and Environment, then to the Committee on Ways and Means	No. 2664	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means
No. 2642	Committee on Human Resources, then to the Committee on Ways and Means	No. 2665	Jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Economic Development
No. 2643	Committee on Ways and Means	No. 2666	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2644	Committee on Commerce, Consumer Protection, and Information Technology	No. 2667	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Judiciary
No. 2645	Committee on Economic Development, then to the Committee on Ways and Means	No. 2668	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary
No. 2646	Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2669	Committee on Water, Land, and Hawaiian Affairs
No. 2647	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2670	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2648	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2671	Committee on Water, Land, and Hawaiian Affairs
No. 2649	Committee on Health and Environment, then to the Committee on Ways and Means	No. 2672	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Government Operations and Housing
No. 2650	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2673	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2651	Committee on Human Resources	No. 2674	Jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2652	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2675	Committee on Human Resources, then to the Committee on Ways and Means
No. 2653	Committee on Transportation and Intergovernmental Affairs	No. 2676	Committee on Human Resources, then to the Committee on Ways and Means
No. 2654	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2677	Committee on Human Resources, then to the Committee on Ways and Means
No. 2655	Committee on Transportation and Intergovernmental Affairs	No. 2678	Committee on Human Resources, then to the Committee on Ways and Means
No. 2656	Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2679	Committee on Human Resources
No. 2657	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2680	Committee on Human Resources
No. 2658	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2681	Committee on Human Resources

No. 2682 Committee on Human Resources, then to the Committee on Ways and Means

No. 2683 Committee on Human Resources, then to the Committee on Ways and Means

No. 2684 Jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2685 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Human Resources

No. 2686 Committee on Human Resources, then to the Committee on Ways and Means

No. 2687 Committee on Human Resources, then to the Committee on Ways and Means

No. 2688 Committee on Human Resources

No. 2689 Committee on Human Resources, then to the Committee on Ways and Means

No. 2690 Committee on Human Resources, then to the Committee on Ways and Means

No. 2691 Committee on Judiciary

No. 2692 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2693 Committee on Judiciary

No. 2694 Committee on Judiciary

No. 2695 Committee on Judiciary

No. 2696 Committee on Judiciary

No. 2697 Committee on Judiciary

No. 2698 Committee on Judiciary

No. 2699 Committee on Judiciary

No. 2700 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2701 Committee on Judiciary

No. 2702 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2703 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary

No. 2704 Committee on Judiciary

No. 2705 Committee on Judiciary, then to the Committee on Ways and Means

No. 2706 Committee on Judiciary

No. 2707 Committee on Judiciary

No. 2708 Committee on Judiciary

No. 2709 Committee on Judiciary

No. 2710 Committee on Judiciary

No. 2711 Committee on Judiciary

No. 2712 Committee on Judiciary

No. 2713 Committee on Judiciary

No. 2714 Committee on Judiciary

No. 2715 Committee on Judiciary

No. 2716 Committee on Judiciary

No. 2717 Committee on Judiciary

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 6, "Report of the Senate President Concerning the Matter of Senator James Aki," dated January 27, 1998, was read by the Clerk and, by unanimous consent, was adopted and placed on file. (The Report of the Senate President is identified as ATTACHMENT "A" to the Journal of this day.)

At 9:42 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives, in accordance with Senate Concurrent Resolution No. 1, to receive the Chief Justice's state of the judiciary address.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, was called to order at 10:04 o'clock a.m. by the Honorable Norman Mizuguchi, President of the Senate.

At this time, Senate President Mizuguchi welcomed and introduced the following distinguished guests to the members of the Nineteenth Legislature:

The Honorable Benjamin J. Cayetano, Governor of the State of Hawaii. He was presented a lei by Senator Carol Fukunaga;

The Honorable Mazie Hirono, Lieutenant Governor of the State of Hawaii. She was presented a lei by Representative Tom Okamura;

Mrs. Stella Moon, wife of Chief Justice Moon. She was presented a lei by Senator Les Ihara, Jr.; and

The Honorable William Richardson, former Chief Justice of the Hawaii Supreme Court.

The President then appointed Senators Avery Chumbley, Matt Matsunaga and Whitney Anderson, on behalf of the Senate, and Representatives Terrance Tom, Brian Yamane and Quentin Kawanakoa, on behalf of the House of Representatives, to escort the Honorable Ronald T.Y. Moon, Chief Justice of the Hawaii Supreme Court, to the rostrum.

Senator Suzanne Chun Oakland and Representative Lei Ahu Isa presented Chief Justice Moon with maile and ilima leis.

Senate President Mizuguchi then presented the Honorable Ronald T.Y. Moon, Chief Justice of the Hawaii Supreme Court, to the members of the Nineteenth Legislature.

The Chief Justice addressed the Joint Session as follows:

"Governor Cayetano, President Mizuguchi, Speaker Souki, Lieutenant Governor Hirono, distinguished members of the Nineteenth Legislature, fellow Judges and Judiciary employees, former Chief Justice Richardson, members of the federal bench, other special guests, ladies and gentlemen:

"It is again a great honor and privilege to deliver my second State of the Judiciary address to a joint session of the Hawai'i State Legislature.

"As we were walking over here from the Supreme Courthouse with the members of my family and friends, my wife Stella offered me some sage advice. She said, 'Ron, remember now, like last year's state of the judiciary address, don't try to be charming, witty or intellectual -- just be yourself.' (Laughter.) And I looked at my mom who was walking next to me, and she said, 'Ditto.' (More laughter.)

"Before I proceed, I want to thank the Legislature for its support of the Judiciary's budget requests and legislative proposals at the last session. Without your commitment, the Judiciary could not have achieved its many accomplishments, some of which I will share with you today.

"Last year, a significant portion of my remarks addressed the basic, but critical principle that the Judiciary is a separate, independent, and equal branch of government. Over the last year, a course of events has unfolded nationally, and locally, that reflects a continuing misunderstanding of this basic principle of democratic governance.

"Nationally, we have witnessed high level threats to impeach certain judges, as well as the targeting and defeat of elected judges, because of their unpopular decisions, emotional reactions to those decisions, or both. We have also seen proposed federal legislation to limit the authority and reach of the federal courts and congressional hearings on so-called judicial activism.

"On the local front, a concerned legislator invited me to participate in a summit on the public's reactions to certain court decisions, apparently hoping that the experience would, or should, cause the court to rethink certain judicial decisions and perhaps even persuade the court to accommodate current public sentiment on certain issues. This invitation, coupled with what's been happening on the national front, exemplifies the serious misunderstandings about the judicial process and its role in our representative government -- one that successfully blends majority will, the rule of law, and protection of the rights of those who are out of political favor or are otherwise classified as minorities. If we are to maintain the delicate balance in our law and the even more delicate relationship between our respective branches, it is imperative that we correct any misunderstandings about the judicial decision-making process. Thus, I would like to revisit the issue of judicial independence again this year, specifically as it relates to the decision-making process.

"Independent judicial decision-making does not mean that judges may do as they please, based on whim, personal preference, or even majority will. Although the majority's will is the driving force in the legislative process and is appropriate for legislators to consider when deciding public policy issues, it cannot and it should not be considered by judges when deciding disputes. Judicial decisions are the result of a structured, analytical process based on traditional principles. These principles allow all parties to present evidence and argument about the law and its application to a particular dispute in a forum that is free from any influence other than the evidence, the law, and the advocacy of the parties. These principles are as old as this nation and as necessary to freedom as the individual rights set forth in our federal and state constitutions. They have made our legal system a model of fairness that is emulated by all who cherish liberty.

"While we judges must keep in mind that our decisions will affect the lives of the individuals who appear before us, we are obliged to set aside our emotions and concerns about our popularity and render our decisions based on the facts in evidence and the laws in effect at that time. Over the years, and most especially in recent years, the Hawai'i State Judiciary has

been called upon to rule on several controversial cases, and, at times, public criticism has been severe. Please -- don't misunderstand me -- I am not saying that criticizing judges or their rulings is wrong. On the contrary, criticism that is constructive and reasoned, based in fact and law, is appropriate and useful, particularly to the Judicial Selection Commission when it assesses judges seeking retention. However, when judges are perceived as formulating their decisions in response to political pressure or the perceived majority opinion of the moment, our system of government is placed in serious jeopardy. Judges must be free to rule in accordance with the law, and we must be able to make decisions without fear of reprisal, especially when the law requires a decision that is viewed as against the public will. Courts, in stark contrast to the Legislative and Executive Branches, are not, and indeed must not, be beholden to the will of the majority. The majority's will has no place in the judicial process for the simple reasons, among others, that the populace does not hear all of the evidence and does not view the law in the context of the specific events at issue.

"Imagine, if you will, a judge inviting interested members of the general public to cast 'yes' or 'no' votes by calling a 1-800 number and pressing number one or number two on a touch tone telephone, then ruling in accordance with the desires of the voting majority. This, ladies and gentlemen, is my nightmare; and, I submit, your nightmare, and, ultimately, the nightmare for your constituents. When the Judiciary rises above partisan politics and is not swayed by the political passions of the moment, justice prevails -- one classical example being the case of Brown v. Board of Education which abolished school segregation.

"It is necessary that the Judiciary, the Executive, and the Legislature work together to maintain public confidence in our judicial system by addressing popular misconceptions of the courts because, without public confidence in an independent Judiciary, court orders and judgments would be rendered meaningless, legislative intent would be undermined, chaos would reign, and our system of government would surely deteriorate. I therefore see us engaged in a mutual quest for excellence in government -- a quest that includes improving the law and the overall administration of our system of justice.

"Last year, I believe the Legislature took positive steps in this quest for excellence with the passage of a judicial salary bill. On behalf of all of our judges, I sincerely thank you -- the members of the Legislature -- for your efforts and support. Indeed, we were profoundly disappointed that the bill did not become law.

"Additionally, last year, you adopted a concurrent resolution, directing the Legislative Reference Bureau to study and make recommendations regarding an appropriate salary structure for all state judges. Senate Concurrent Resolution No. 2 sets forth two basic assumptions. First, because of the absence of an objective, statutorily established mechanism that requires fair and adequate compensation, Hawai'i's judges are continuously drawn into the potentially compromising task of lobbying the Legislature for salary increases and improvements in benefits; and, second, such lobbying is inconsistent with the traditional role of the courts as an independent and separate branch of government.

"In its report issued two weeks ago, the Legislative Reference Bureau recognized the subtle, but critical, fact that 'the pay issue extends beyond the connection between compensation and judicial excellence, striking at the very heart of judicial independence.' The bureau's report, at pages 34 and 35, explains that, '[t]he danger posed by inadequate compensation to the judiciary's independence is real indeed. . . . [A]bsent specific constitutional authority, one branch of government may not be controlled by, subjected either directly or indirectly to the coercive influences of, or even embarrassed by another branch of government. It may be arguable that the failure of the legislative or executive branch to provide fair and

reasonable judicial compensation is an indirect attempt to control, influence, or embarrass the Judiciary and, as such, constitutes a menace to judicial independence.'

"The Legislative Reference Bureau as well as the Judicial Salary Commission -- both impartial, non-partisan bodies -- have concluded, independently, that Hawaii's judges are significantly underpaid when compared to federal and other state judges. The Bureau's report notes that, since the last increase in 1990, judges' purchasing power has decreased by 25 percent as a result of inflation and the rising cost of living, and, that, since 1992, nine seasoned and experienced judges have left the bench. Within the last few weeks, a 58-year-old judge, with over 13 years of experience, advised me that, although he loves his job, he, too, will be leaving in the next few months for a higher paying position. Ladies and gentlemen -- no one, no one, attains excellence in the art of judging overnight. Losing judges far-before retirement age is truly a waste of valuable assets, especially after having invested substantial amounts of time and monies in their training, and, after years of hands-on experience.

"Why are judges passed over year after year, while virtually all other government employees have received multiple increases in their compensation during the same period? The answer, I submit, is obvious -- the Judiciary is the weakest branch of government. Judges number only seventy-three and are bound by the Code of Judicial Conduct. They cannot participate in politics; they cannot unionize; they cannot strike; and they cannot -- no, they will not -- consider political consequences of their decisions in the hope of receiving favorable legislative or executive action. As a result of going eight years without a pay increase, some may be left wondering whether applying the strict principles of judging in any particular case will mean another year without a raise. It comes as no surprise that one federal judge on the mainland has, in fact, publicly stated that he knew it was time to resign when he found himself, for the first time in his judicial career, considering the political implications of his rulings. Our judges recognize, all too well, the economic realities of the day; however, as I said last year and I emphasize today -- 'fairness alone dictates that a judicial pay raise is appropriate.' The Legislative Reference Bureau agrees. Among other actions, the Bureau recommends that the legislature again enact a judicial salary increase as proposed in last year's House Bill No. 1393, C.D. 1. With respect to judges' retirement benefits, the Bureau concluded that any steps towards adjusting such benefits should be preceded by a comprehensive review by qualified retirement-benefit specialists. I once again request your support and favorable consideration of this critical issue.

"Improving the public's confidence in the judicial process by their understanding of the Judiciary's role and function is, in large part, the responsibility of the Judiciary. I believe the Judiciary is meeting its part of that responsibility.

"The Judiciary has initiated programs designed to inform and educate the public about the workings of their state court system. These programs operate at no additional cost to the taxpayers and target many segments of our community, including elementary, intermediate, and high school students, law students, the public at large, and you, our legislators. Examples include: the Judges Speakers Bureau, the Afternoon with a Judge Program, the Lunch 'N Learn the Law series, and the Legislators' Day-in-Court.

"Last year, you opened some juvenile proceedings and case records to the public. In the spirit of that law, and in an unprecedented effort to increase public understanding about the juvenile justice system, the Judiciary recently granted two major daily newspapers access to family court juvenile proceedings and case records usually kept confidential. We believe that, by allowing these journalists to observe firsthand what goes on in a system historically shrouded in secrecy, the public would develop a better understanding of the complexity of the issues that are brought before us and the daily struggles

facing our judges, staff, and families, as well as help to identify those areas needing reform.

"We continue to work to establish better rapport between our employees and the public because we firmly believe that confidence in the courts is enhanced when the public is served courteously, promptly, and efficiently. To that end, our Judicial Education Division has developed and is conducting training in these areas. In the past year, more than half of the Judiciary's entire work force has participated in such training.

"We also recognize that the public -- as the users of the judicial system -- are in a position to help us identify problem areas. We therefore intend to systematically gather statewide public input through a variety of methods, including town hall meetings, focus groups, and exit surveys. No such effort has ever been initiated by the Judiciary. The input we receive from your constituents will assist us in assessing changes to improve the system.

"Adequate resources, however, are often required to implement changes to improve the system. We are fortunate to have been awarded federal grants that have been used to: (1) establish a court-based educational outpatient treatment program for adult misdemeanants; (2) improve the litigation process on behalf of children in foster care and adoption proceedings; (3) expand the family visitation program to include non-custodial fathers; (4) enable state courts to conduct video arraignment and plea hearings; and (5) provide statewide training in domestic violence for judges and probation officers. These grants save state general fund appropriations and allow the Judiciary to undertake innovative approaches to improve court operations.

"The Judiciary also continues to search for alternative methods to manage its growing caseload, without expending additional costs. And, although we are currently doing relatively well, there are certain areas that are in critical need of your support.

"Last year, I noted that the Supreme Court had implemented emergency measures to deal with the growing appellate backlog. These emergency measures, most notably the use of summary dispositions, that is, a brief statement or order setting forth our decision, are enabling the appellate courts to enter more timely dispositions and reduce the backlog of appeals. Between September 1996, and November 1997, we reduced the number of pending appeals by 490 cases. This is significant progress. We plan to continue to use this valuable tool as it assists us in moving closer to our goal of resolving more appeals within one year.

"I am also pleased to report that our circuit court's criminal and civil caseloads are presently at relatively manageable levels due to the tireless efforts of our judges, both full-time and per diem, and their support staff. In order to achieve these current levels, however, we have had to shuffle our judges around to handle critical situations in certain areas. For example, in June of 1997, we faced a very serious backlog of domestic violence cases caused by the increase in demands for jury trials. In order to handle the 372 domestic violence jury trial cases pending at that time, I established a temporary First Circuit Family Court trial division, but had to 'borrow' a much-needed criminal circuit judge to staff the temporary division. With the assistance of the temporary division, the number of pending domestic violence jury cases dropped from 372 to 139 as of December 1997.

"Although yielding positive results, moving judges around to handle such critical situations is a band-aid solution and analogous to turning one's attention away from one fire to put out a bigger fire. Upon returning to the original fire, it is burning out of control. We simply cannot continue to just keep 'putting out fires.' We need more judges.

"Over the past four years, our criminal caseload in the Circuit Courts has increased by over four hundred cases. Civil filings are increasing at a more modest rate, except for foreclosure actions, which have increased by more than 30 percent just in the last year. These circuit court increases are significant as they actually represent the annual work of, at least, one additional judge. At the family court level, the number of filings have steadily increased since 1993, which means that our judges can reasonably expect to have a perennial backlog of cases year after year. Moreover, in addition to 'borrowing' a circuit judge to handle domestic violence jury cases, we have also had to regularly call upon our per diem judges for assistance.

"With the growing criminal, civil, and family court caseloads, our judges, despite their most diligent efforts, cannot prevent the backlog and accompanying delays in resolving your constituents' cases from increasing without additional help. Justice delayed is justice denied. Consequently, we are asking that funds for two additional judges and attendant staff be appropriated to the Family Court of the First Circuit.

"We continue to emphasize the importance of children and family as demonstrated by the various programs and projects currently ongoing within the family court. For example, this past year, the juvenile division of the Family Court introduced a 'one judge/one family' initiative in which the same judge in child abuse cases handles all matters pertaining to a particular family. We are encouraged by the results -- as families and children benefit from the court's more comprehensive, intimate knowledge of the issues and factors affecting that particular family. As a direct result of this initiative, the number of children in foster custody has decreased by 20 percent while the number of children eligible for adoption has increased by 25 percent.

"Thanks to the bill that you passed last year, the Judiciary now collects a \$35 surcharge from parents who file for divorce or separation. These monies support the family court's statewide Kids First Program, which teaches parents how to minimize the negative effects of divorce on their children. We are indeed proud of the fact that an American Bar Association committee has selected Hawaii's Kids First Program as one of 25 projects across the country that 'Makes a Difference in a Child's Life.'

"At the district court level, our judges continue to see the great majority of individuals who pass through our court system. Over the past five years, we have averaged approximately 24,500 civil cases a year in the District Courts throughout the state. In the criminal area, roughly 46,000 criminal cases were filed last fiscal year. To give you a sense of the growth in these numbers, this represents a 35 percent increase from 1987. Even in the traffic division, the trend is turning upward, where our filings for the last fiscal year increased by approximately 25 percent.

"We are working with the National Center for State Courts to determine how we can better and more efficiently handle the enormous number of cases filed in our district courts each year.

"In addition to the growing number of cases, we are also experiencing, at all court levels, a growing number of court users who are representing themselves or are non-English speaking. The increase in litigants representing themselves is consistent with the national trend, but is even more prevalent in Hawai'i because of our economic downturn. The Judiciary is addressing this situation through public education -- in both English and other languages -- as well as by simplifying court procedures.

"We have produced two videos that will air regularly on public access channels and be available in public libraries. These videos, focus on our small claims and traffic courts, explain court options and procedures step by step in language

that is understandable to the lay person. In the future, the videos will also be closed-captioned for the hearing impaired as well as dubbed in additional languages.

"We are also simplifying court forms and expanding the number of information packets that are available to the public to assist them with the various types of family and district court proceedings. As we plan to do with our District Court videos, we hope to expand these educational materials to other languages.

"In the courtroom environment, we must depend on court interpreters to assist us in administering justice because justice surely cannot be served if, for example, a non-English speaking defendant says, in his own language: 'I was so mad that I COULD have killed him,' and the interpreter translates: 'I was so mad that I killed him.' Thus, we have made the court interpreter issue a priority within the Judiciary. In the last twelve months, we implemented a statewide interpreter registration process and held a series of two-day orientation sessions that reached over two hundred interpreters. As the result of a judges' workshop, as well as one for staff, the Judiciary is more aware of and better able to handle cases involving interpreters.

"The Judiciary has stretched existing resources to accomplish much over the past year in this area; however, an interpreter certification program cannot be created and maintained without additional help. Last year, you responded to our request by authorizing a court interpreter coordinator position. This year, we hope you will join in our efforts to service our growing non-English speaking population by funding this position so that this important work may continue.

"The Judiciary continues to: (1) promote alternative dispute resolution or ADR options at every level of our courts; (2) assist in the development of programs in other government sectors; and (3) educate our young people regarding such options.

"As I shared with you in my address last year, our appellate mediation program has been quite successful, with approximately 50 percent of the cases referred to it being settled -- either in full or in part. Unfortunately, over a two-and-a-half year period, only 135 cases have been referred to this program due to the lack of a full-time program administrator. We believe that a full-time administrator is critical, if we are to maximize the potential of this important dispute resolution program. We are therefore seeking your support to fund an administrator position for the appellate medication program.

"Also, this past year, the Judiciary, together with the Hawai'i State Bar Association, began the School Mediator-Mentor Program -- a program designed to promote a culture of personal responsibility and peaceful problem-solving among Hawai'i's youth. Volunteers, many of them attorneys, serve as mentors to student peer mediation programs at twenty-two schools. The volunteers also mediate adult school-based disputes and coordinate workshops for parents, teachers, administrators, and students. By providing Hawai'i's youth with peaceful problem-solving tools, we hope to pave the way for future generations to be less litigious, more responsible, and better oriented toward resolving disputes, without violence or costly litigation.

"In October of 1997, a local newspaper and television station conducted a survey on making our community a better place to live. When asked the question, 'How much improvement do you think is needed in Hawai'i with respect to 13 different areas?' -- which included the economy, education, and the environment -- drug abuse ranked number one, and public safety ranked number four. Both issues are tied directly to the business of our courts.

"I am pleased to report that, thus far, the Drug Court's success has surpassed all initial expectations. Since its inception, Drug Court has processed approximately 210

individuals with more than 400 criminal cases among them. The average daily cost of Drug Court is \$14 per participant compared to \$79 for incarceration. To date, only 18 percent have failed the program, and forty participants have graduated, with only two having been charged with new criminal offenses.

"Without the Legislature's funding, many Drug Court participants would not have had the incentive, guidance, or support to kick their habits and become productive members of our community. On behalf of the Judiciary, and on behalf of these participants and their families, I thank you for your support.

"Because of Drug Court's success on O'ahu, we are now looking at expanding the program to Maui, where drug use is also a growing community problem. I hope that we can count on the Legislature's continued support for this exciting, successful, and innovative program.

"I turn now to the issue of public safety. Judging by recent media reports regarding the serious problem of prison overcrowding and the possibility that prisoners may have to be released, I suspect that the fourth place ranking in the October 1997 survey -- if taken today -- would be higher. The issue of prison overcrowding is not new and is not one that will be easily solved, especially in these difficult economic times. And, therefore, yesterday, I was pleased to hear the Governor's proposal to build a new prison.

"The Judiciary, in attempting to assist in addressing this long-standing problem, continues to explore alternative sentencing procedures to the extent we can do so within the bounds of the current law. As you may know, since October 1996, one of the Circuit Court trial divisions on Maui has offered defendants the option of 'sign holding' instead of incarceration. Essentially, defendants who select this option are required to hold a sign and wear a name tag along the roadside for four hours, four days per week. They must follow written terms and conditions set by the judge. The option is limited to offenders whose sentence includes probation. Offenders given prison sentences are not eligible.

"Public response has been very positive, and our statistics show a lower rate of recidivism among defendants willing to publicly acknowledge their wrongdoing. During the one year of the programs' operation, we estimate the savings in prison costs to the state to be approximately \$372,000. It is a 'win-win' situation where the sentences have the desired punitive effect and help to reform the defendant, while avoiding the expense of incarceration.

"Respect for the judicial system and confidence in its procedures are also products of a secure courthouse environment. Certainly, we cannot expect the public to have confidence in the Judiciary -- if people do not feel safe in our courts.

"Experience has shown that no court is immune to violence by virtue of its size or its geographic location. Across the country, and here in Hawai'i, court security has moved to the top of the list of concerns. The Hawai'i State Judiciary has had more bomb threats on O'ahu in the last two years than we have had in the past ten years. Just this past year: (1) a pipe bomb was brought into the Ewa District Court; (2) a press photographer was assaulted on Maui's court premises; (3) the Hilo District Court building was broken into and the safe stolen; and, (4) there were several fights on court premises that required deputy sheriffs to intervene. These bomb threats and acts of violence resulted in evacuations of court facilities and lengthy interruptions in the delivery of court services. More importantly, they endangered the public and public employees and threatened the public's confidence in our ability to protect them on court property.

"With your help, we have taken steps to address the security concerns. In the last two years, we have purchased X-ray

machines, metal detectors, and hand-held scanners for a number of court buildings. Unfortunately, the Department of Public Safety has not had enough deputy sheriffs to operate all of this equipment. Consequently, the Judiciary has had to hire private security guards. This session, we are seeking appropriations for additional private security guard positions for our rural and neighbor island courts. We are also seeking appropriations for surveillance cameras to replace outdated equipment at the District Court.

These measures, however, do not address all of our security needs. Effective court security requires specialized security staffing by deputy sheriffs. At present, we are far below the adequate sheriff staffing level. In short, the Judiciary needs additional deputy sheriff positions funded for the Sheriff's Division in the Department of Public Safety.

Ladies and gentlemen -- the Judiciary recognizes that it must do its part to address the ever-increasing budget shortfall. The State Auditor recently acknowledged our efforts in the past few years to increase the collections of fines and restitution. The Auditor also identified ways we can further improve our collections. We take the Auditor's recommendations seriously, and, although we have already begun to take additional steps, certain of our initiatives will require legislative action. With your support, we will continue to make progress and help add to the state's general revenues.

"As for our 1998-99 budget request, we are seeking an estimated \$91.6 million. Although our budget request is approximately one million dollars less than our current legislative appropriation, \$91.6 million is indeed a lot of money. But, I ask you to keep the Judiciary's budget in proper perspective by taking note of the fact that, since fiscal year 1990, the Judiciary's total share of the state pie has remained at less than 3 percent. Further, despite the fact that, over the past two years, the Judiciary's workforce has been reduced by 7 percent or 131 fewer Judiciary employees, we continue to seek ways to maximize the precious dollars you appropriate to us.

"Moreover, in full cooperation with the Governor's recent efforts, I have ordered a Judiciary hiring freeze and placed severe limits on out-of-state travel, overtime, and training. I have also directed Judiciary officials to study and consider recommending additional reforms, including a reduction in operating expenses, withdrawing certain of our budget requests, and more systemic changes, such as combining programs, job sharing, and a 10-hour workday/4-day workweek. Again, the Judiciary is fully aware that it has the identical responsibility as the Legislative and Executive Branches to take affirmative steps to address our economic concerns. However, it is apparent that, unless you are able to help us in those critical areas I've mentioned, we will simply have too few resources to serve your constituents.

"It is equally apparent that the Judiciary's workforce needs sufficient space in order to operate efficiently. Space has become a critical issue for the Judiciary across the state. I want to reaffirm my commitment to the Family Court Center and the Juvenile Detention Center at Kapolei. We thank you for your support last session regarding this project, and we ask for your further support this session to include the Judiciary in the statutory provisions relating to financing agreements. By allowing the Judiciary, like the Executive Branch, to enter into creative financing arrangements for major construction projects, the state can preserve scarce capital improvements project monies.

"Ladies and gentlemen -- the state of the Judiciary remains sound -- but it is fragile. Although we judges must remain independent in our decision-making in order to adhere to our constitutional responsibilities and obligations, the Judiciary is wholly dependent upon you to strengthen its infrastructure in order to maintain the concept of three separate, independent, co-equal branches of government. Without your help, our form

of government with its built in system of checks and balances will surely fail

"I thank the leadership and members of the Nineteenth Legislature for giving me the opportunity and honor of addressing you today on behalf of all of the employees of the Judiciary. We look forward to working with you to help maintain a justice system for the people of Hawaii of which we all can be justifiably proud. Mahalo."

Speaker Souki then rose and stated:

"Governor Cayetano, President Mizuguchi, Lt. Governor Hirono, Chief Justice Moon, former Chief Justice Richardson, members of the bench and staff, members of the House and guests:

"In short rebuttal to our Chief Justice, I want to thank you for addressing the Nineteenth Legislature and for your comprehensive remarks to this body.

"The Legislature is appreciative of your proactive community outreach programs that you have initiated and which are providing a great service to the people of the state.

"Also, we have noted and we have seen, in a time of growing caseloads, that you have succeeded in streamlining your branch of government. These efforts are very essential in these times of revenue shortfalls.

"Also, under your guidance, Chief Justice Moon, the Judiciary Branch remains a strong, independent branch of state government, a co-equal body with the Executive and the Legislative. In that spirit, we ask that the court and the bench, when reviewing cases, that you consider the legislative intent and the constitutional intent of the respective cases that you are looking at.

"The Legislature has faith in your leadership and extends deep gratitude for all of your work. Thank you very much and aloha.

"I declare the Joint Session be adjourned."

At 10:57 o'clock a.m., the Speaker declared the Joint Session adjourned.

INTRODUCTION OF SENATE BILLS

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 6:00 o'clock p.m. In consequence thereof, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2769 "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS."

Introduced by: Senator Mizuguchi, by request.

No. 2770 "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS."

Introduced by: Senator Mizuguchi, by request.

No. 2771 "A BILL FOR AN ACT RELATING TO MILK."

Introduced by: Senator Mizuguchi, by request.

No. 2772 "A BILL FOR AN ACT RELATING TO PORK."

Introduced by: Senator Mizuguchi, by request.

No. 2773 "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE."

Introduced by: Senator Mizuguchi, by request.

No. 2774 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2775 "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION."

Introduced by: Senator Mizuguchi, by request.

No. 2776 "A BILL FOR AN ACT RELATING TO SALARY PERIODS."

Introduced by: Senator Mizuguchi, by request.

No. 2777 "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES."

Introduced by: Senator Mizuguchi, by request.

No. 2778 "A BILL FOR AN ACT RELATING TO POOLED INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2779 "A BILL FOR AN ACT RELATING TO THE STATE PARKING REVOLVING FUND."

Introduced by: Senator Mizuguchi, by request.

No. 2780 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."

Introduced by: Senator Mizuguchi, by request.

No. 2781 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2782 "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR."

Introduced by: Senator Mizuguchi, by request.

No. 2783 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2784 "A BILL FOR AN ACT RELATING TO EXECUTIVE MEETINGS OF STATE AND COUNTY BOARDS."

Introduced by: Senator Mizuguchi, by request.

No. 2785 "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)."

Introduced by: Senator Mizuguchi, by request.

No. 2786 "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION."

Introduced by: Senator Mizuguchi, by request.

No. 2787 "A BILL FOR AN ACT RELATING TO RESTITUTION."

- Introduced by: Senator Mizuguchi, by request.
- No. 2788 "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME."
Introduced by: Senator Mizuguchi, by request.
- No. 2789 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW."
Introduced by: Senator Mizuguchi, by request.
- No. 2790 "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT."
Introduced by: Senator Mizuguchi, by request.
- No. 2791 "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT."
Introduced by: Senator Mizuguchi, by request.
- No. 2792 "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS."
Introduced by: Senator Mizuguchi, by request.
- No. 2793 "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS."
Introduced by: Senator Mizuguchi, by request.
- No. 2794 "A BILL FOR AN ACT RELATING TO HABITUAL CRIMINAL BEHAVIOR."
Introduced by: Senator Mizuguchi, by request.
- No. 2795 "A BILL FOR AN ACT RELATING TO STATES OF MIND."
Introduced by: Senator Mizuguchi, by request.
- No. 2796 "A BILL FOR AN ACT RELATING TO ROBBERY IN THE FIRST DEGREE."
Introduced by: Senator Mizuguchi, by request.
- No. 2797 "A BILL FOR AN ACT RELATING TO MENTAL AND MEDICAL EXAMINATION OF CONVICTED DEFENDANTS."
Introduced by: Senator Mizuguchi, by request.
- No. 2798 "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT."
Introduced by: Senator Mizuguchi, by request.
- No. 2799 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER."
Introduced by: Senator Mizuguchi, by request.
- No. 2800 "A BILL FOR AN ACT RELATING TO AUTHORITY OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ISSUE ECONOMIC DEVELOPMENT GRANTS."
Introduced by: Senator Mizuguchi, by request.
- No. 2801 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."
Introduced by: Senator Mizuguchi, by request.
- No. 2802 "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER."
Introduced by: Senator Mizuguchi, by request.
- No. 2803 "A BILL FOR AN ACT RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT."
Introduced by: Senator Mizuguchi, by request.
- No. 2804 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."
Introduced by: Senator Mizuguchi, by request.
- No. 2805 "A BILL FOR AN ACT RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION."
Introduced by: Senator Mizuguchi, by request.
- No. 2806 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."
Introduced by: Senator Mizuguchi, by request.
- No. 2807 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."
Introduced by: Senator Mizuguchi, by request.
- No. 2808 "A BILL FOR AN ACT RELATING TO THE UNIVERSAL SERVICE FUND."
Introduced by: Senator Mizuguchi, by request.
- No. 2809 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."
Introduced by: Senator Mizuguchi, by request.
- No. 2810 "A BILL FOR AN ACT RELATING TO STATE FINANCES."
Introduced by: Senator Mizuguchi, by request.
- No. 2811 "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS."
Introduced by: Senator Mizuguchi, by request.
- No. 2812 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."
Introduced by: Senator Mizuguchi, by request.
- No. 2813 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM."
Introduced by: Senator Mizuguchi, by request.
- No. 2814 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Senator Mizuguchi, by request.

No. 2815 "A BILL FOR AN ACT RELATING TO COMPOSITION OF THE BOARD OF THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi, by request.

No. 2816 "A BILL FOR AN ACT RELATING TO COMPOSITION OF THE BOARD OF THE HAWAII PUBLIC EMPLOYEES' HEALTH FUND."

Introduced by: Senator Mizuguchi, by request.

No. 2817 "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES."

Introduced by: Senator Mizuguchi, by request.

No. 2818 "A BILL FOR AN ACT RELATING TO BISHOP MUSEUM."

Introduced by: Senator Mizuguchi, by request.

No. 2819 "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES."

Introduced by: Senator Mizuguchi, by request.

No. 2820 "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2821 "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2822 "A BILL FOR AN ACT RELATING TO LEMON LAW DISCLOSURE COMPLIANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2823 "A BILL FOR AN ACT RELATING TO TIME SHARE IDENTIFICATION BADGES."

Introduced by: Senator Mizuguchi, by request.

No. 2824 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE PROFESSIONAL AND VOCATIONAL LICENSING LAWS."

Introduced by: Senator Mizuguchi, by request.

No. 2825 "A BILL FOR AN ACT RELATING TO SENIOR PSYCHOLOGISTS."

Introduced by: Senator Mizuguchi, by request.

No. 2826 "A BILL FOR AN ACT RELATING TO POWERS OF THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO ENFORCE CHAPTER 462A, HAWAII REVISED STATUTES."

Introduced by: Senator Mizuguchi, by request.

No. 2827 "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE EXAMINATIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2828 "A BILL FOR AN ACT RELATING TO PHARMACIES."

Introduced by: Senator Mizuguchi, by request.

No. 2829 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS."

Introduced by: Senator Mizuguchi, by request.

No. 2830 "A BILL FOR AN ACT RELATING TO SPECIALTY ELECTRICIANS."

Introduced by: Senator Mizuguchi, by request.

No. 2831 "A BILL FOR AN ACT RELATING TO NATUROPATHY."

Introduced by: Senator Mizuguchi, by request.

No. 2832 "A BILL FOR AN ACT RELATING TO INVESTIGATIVE SUBPOENAS."

Introduced by: Senator Mizuguchi, by request.

No. 2833 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE."

Introduced by: Senator Mizuguchi, by request.

No. 2834 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2835 "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES."

Introduced by: Senator Mizuguchi, by request.

No. 2836 "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD."

Introduced by: Senator Mizuguchi, by request.

No. 2837 "A BILL FOR AN ACT RELATING TO PROHIBITED MOTOR VEHICLE INSURANCE PRACTICES."

Introduced by: Senator Mizuguchi, by request.

No. 2838 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2839 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2840 "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2841 "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE."

Introduced by: Senator Mizuguchi, by request.

No. 2842 "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN."

Introduced by: Senator Mizuguchi, by request.

No. 2843 "A BILL FOR AN ACT RELATING TO RATEMAKING PROCEDURES FOR REGULATED WATER CARRIERS."

- Introduced by: Senator Mizuguchi, by request.
- No. 2844 "A BILL FOR AN ACT RELATING TO ISSUANCE OF UTILITY VOTING STOCK."
Introduced by: Senator Mizuguchi, by request.
- No. 2845 "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH."
Introduced by: Senator Mizuguchi, by request.
- No. 2846 "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS."
Introduced by: Senator Mizuguchi, by request.
- No. 2847 "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS."
Introduced by: Senator Mizuguchi, by request.
- No. 2848 "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION."
Introduced by: Senator Mizuguchi, by request.
- No. 2849 "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS."
Introduced by: Senator Mizuguchi, by request.
- No. 2850 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."
Introduced by: Senator Mizuguchi, by request.
- No. 2851 "A BILL FOR AN ACT RELATING TO IMMUNIZATION."
Introduced by: Senator Mizuguchi, by request.
- No. 2852 "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM."
Introduced by: Senator Mizuguchi, by request.
- No. 2853 "A BILL FOR AN ACT RELATING TO SMALL ESTATES."
Introduced by: Senator Mizuguchi, by request.
- No. 2854 "A BILL FOR AN ACT RELATING TO GRANDPARENTS' VISITATION RIGHTS."
Introduced by: Senator Mizuguchi, by request.
- No. 2855 "A BILL FOR AN ACT RELATING TO TELEHEALTH."
Introduced by: Senator Mizuguchi, by request.
- No. 2856 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."
Introduced by: Senator Mizuguchi, by request.
- No. 2857 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION."
Introduced by: Senator Mizuguchi, by request.
- No. 2858 "A BILL FOR AN ACT RELATING TO NURSE MIDWIVES."
Introduced by: Senator Mizuguchi, by request.
- No. 2859 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."
Introduced by: Senator Mizuguchi, by request.
- No. 2860 "A BILL FOR AN ACT RELATING TO THE CHRONIC RENAL DISEASE PROGRAM."
Introduced by: Senator Mizuguchi, by request.
- No. 2861 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES."
Introduced by: Senator Mizuguchi, by request.
- No. 2862 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION."
Introduced by: Senator Mizuguchi, by request.
- No. 2863 "A BILL FOR AN ACT RELATING TO AUTOMATION OF HAWAIIAN GENEALOGICAL RECORDS."
Introduced by: Senator Mizuguchi, by request.
- No. 2864 "A BILL FOR AN ACT RELATING TO HOSPITAL REVENUE BONDS FOR THE HAWAII HEALTH SYSTEMS CORPORATION."
Introduced by: Senator Mizuguchi, by request.
- No. 2865 "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES."
Introduced by: Senator Mizuguchi, by request.
- No. 2866 "A BILL FOR AN ACT RELATING TO PERSONNEL FOR MENTAL HEALTH."
Introduced by: Senator Mizuguchi, by request.
- No. 2867 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."
Introduced by: Senator Mizuguchi, by request.
- No. 2868 "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH."
Introduced by: Senator Mizuguchi, by request.
- No. 2869 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."
Introduced by: Senator Mizuguchi, by request.
- No. 2870 "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION."
Introduced by: Senator Mizuguchi, by request.
- No. 2871 "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE."
Introduced by: Senator Mizuguchi, by request.

No. 2872 "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE."

Introduced by: Senator Mizuguchi, by request.

No. 2873 "A BILL FOR AN ACT RELATING TO YOUTH FACILITY."

Introduced by: Senator Mizuguchi, by request.

No. 2874 "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES."

Introduced by: Senator Mizuguchi, by request.

No. 2875 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2876 "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2877 "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2878 "A BILL FOR AN ACT RELATING TO MEDICAID OVERPAYMENT RECOVERY."

Introduced by: Senator Mizuguchi, by request.

No. 2879 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE."

Introduced by: Senator Mizuguchi, by request.

No. 2880 "A BILL FOR AN ACT RELATING TO THE COMPENSATION PLAN."

Introduced by: Senator Mizuguchi, by request.

No. 2881 "A BILL FOR AN ACT RELATING TO THE RECRUITMENT OF EMPLOYEES FOR STATE SERVICE."

Introduced by: Senator Mizuguchi, by request.

No. 2882 "A BILL FOR AN ACT RELATING TO THE COMPENSATION PLAN FOR MANAGERIAL POSITIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2883 "A BILL FOR AN ACT RELATING TO HEARINGS OF THE PUBLIC EMPLOYEES COMPENSATION APPEALS BOARD."

Introduced by: Senator Mizuguchi, by request.

No. 2884 "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS."

Introduced by: Senator Mizuguchi, by request.

No. 2885 "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS."

Introduced by: Senator Mizuguchi, by request.

No. 2886 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Mizuguchi, by request.

No. 2887 "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING."

Introduced by: Senator Mizuguchi, by request.

No. 2888 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Mizuguchi, by request.

No. 2889 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2890 "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2891 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Senator Mizuguchi, by request.

No. 2892 "A BILL FOR AN ACT RELATING TO OCEAN LEASING."

Introduced by: Senator Mizuguchi, by request.

No. 2893 "A BILL FOR AN ACT RELATING TO THE SPECIAL LAND AND DEVELOPMENT FUND."

Introduced by: Senator Mizuguchi, by request.

No. 2894 "A BILL FOR AN ACT RELATING TO RESOURCE VALUE LANDS."

Introduced by: Senator Mizuguchi, by request.

No. 2895 "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES."

Introduced by: Senator Mizuguchi, by request.

No. 2896 "A BILL FOR AN ACT RELATING TO THE FOREST STEWARDSHIP PROGRAM."

Introduced by: Senator Mizuguchi, by request.

No. 2897 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Senator Mizuguchi, by request.

No. 2898 "A BILL FOR AN ACT RELATING TO DISPOSITION OF SUBMERGED LANDS."

Introduced by: Senator Mizuguchi, by request.

No. 2899 "A BILL FOR AN ACT RELATING TO FORESTRY."

Introduced by: Senator Mizuguchi, by request.

No. 2900 "A BILL FOR AN ACT RELATING TO CONSERVATION OF THREATENED AND ENDANGERED SPECIES."

Introduced by: Senator Mizuguchi, by request.

No. 2901 "A BILL FOR AN ACT RELATING TO STATE PARKS."

- Introduced by: Senator Mizuguchi, by request.
- No. 2902 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION FEES."
- Introduced by: Senator Mizuguchi, by request.
- No. 2903 "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN."
- Introduced by: Senator Mizuguchi, by request.
- No. 2904 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES."
- Introduced by: Senator Mizuguchi, by request.
- No. 2905 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."
- Introduced by: Senator Mizuguchi, by request.
- No. 2906 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF PUBLIC SAFETY."
- Introduced by: Senator Mizuguchi, by request.
- No. 2907 "A BILL FOR AN ACT RELATING TO AIRPORTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2908 "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2909 "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2910 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2911 "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2912 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- Introduced by: Senator Mizuguchi, by request.
- No. 2913 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- Introduced by: Senator Mizuguchi, by request.
- No. 2914 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."
- Introduced by: Senator Mizuguchi, by request.
- No. 2915 "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES."
- Introduced by: Senator Mizuguchi, by request.
- No. 2916 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2917 "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII."
- Introduced by: Senator Mizuguchi, by request.
- No. 2918 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNIVERSITY OF HAWAII."
- Introduced by: Senator Mizuguchi, by request.
- No. 2919 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CREATION OF AN OUTDOOR LEARNING ENVIRONMENT FOR ENCHANTED LAKE ELEMENTARY SCHOOL."
- Introduced by: Senator Anderson.
- No. 2920 "A BILL FOR AN ACT RELATING TO LEGAL REPRESENTATION."
- Introduced by: Senator Aki.
- No. 2921 "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE EDUCATION."
- Introduced by: Senators Aki, Solomon, Iwase, Tam.
- No. 2922 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
- Introduced by: Senators Baker, Fukunaga, McCartney, Ige, D., Ihara.
- No. 2923 "A BILL FOR AN ACT RELATING TO THE OMBUDSMAN."
- Introduced by: Senators Baker, Fukunaga, Chumbley, Chun Oakland, Ige, D., Levin.
- No. 2924 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR A PRISON IN KA'U, HAWAII."
- Introduced by: Senator Solomon.
- No. 2925 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
- Introduced by: Senators Sakamoto, Kawamoto.
- No. 2926 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS."
- Introduced by: Senators Sakamoto, Slom, Aki, Kawamoto, Bunda, Chumbley, Chun Oakland, Iwase.
- No. 2927 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senators Sakamoto, Bunda, Iwase, Kawamoto.
- No. 2928 "A BILL FOR AN ACT RELATING TO THE BUDGET."
- Introduced by: Senators Kanno, Kawamoto.
- No. 2929 "A BILL FOR AN ACT RELATING TO TOURISM."
- Introduced by: Senator Tanaka.

No. 2930 "A BILL FOR AN ACT RELATING TO UNDERWATER ATTRACTIONS."

Introduced by: Senator Tanaka.

No. 2931 "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARK LEASES."

Introduced by: Senator Tanaka.

No. 2932 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR VARIOUS PROJECTS IN MAUI COUNTY."

Introduced by: Senator Tanaka.

No. 2933 "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES."

Introduced by: Senator Solomon.

No. 2934 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION CLAIMS ARISING FROM DISCIPLINARY ACTIONS FOR JUST CAUSE."

Introduced by: Senators Kanno, Chun Oakland.

No. 2935 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Senators Kanno, Chun Oakland.

No. 2936 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CENTER FOR CONSERVATION RESEARCH AND TRAINING."

Introduced by: Senator Mizuguchi, by request.

No. 2937 "A BILL FOR AN ACT RELATING TO CRIME LABORATORY SERVICE ASSESSMENT FEE."

Introduced by: Senator Mizuguchi, by request.

No. 2938 "A BILL FOR AN ACT RELATING TO PUBLIC TRUST LANDS."

Introduced by: Senator Mizuguchi, by request.

No. 2939 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XI, SECTION 7, OF THE HAWAII CONSTITUTION, CONCERNING WATER RESOURCES MANAGEMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2940 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION OF NONPROFIT HOMEOWNERS OR COMMUNITY ASSOCIATIONS."

Introduced by: Senator Iwase.

No. 2941 "A BILL FOR AN ACT RELATING TO LIQUOR."

Introduced by: Senator Solomon.

No. 2942 "A BILL FOR AN ACT RELATING TO POLITICAL PARTIES."

Introduced by: Senator McCartney.

No. 2943 "A BILL FOR AN ACT RELATING TO KANEHOE BAY REGIONAL COUNCIL."

Introduced by: Senator McCartney.

No. 2944 "A BILL FOR AN ACT RELATING TO HAWAIIAN FISH PONDS."

Introduced by: Senator McCartney.

No. 2945 "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT."

Introduced by: Senator McCartney.

No. 2946 "A BILL FOR AN ACT RELATING TO FEDERAL IMPACT AID."

Introduced by: Senators Aki, Tam.

No. 2947 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senator Levin.

No. 2948 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senator Levin.

No. 2949 "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME COMMUNITY AUTHORITY."

Introduced by: Senators Kawamoto, Sakamoto.

No. 2950 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A NATIONAL MEMORIAL TO HONOR AMERICA'S SERVICE WOMEN."

Introduced by: Senators Kawamoto, Baker, Fukunaga.

No. 2951 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS."

Introduced by: Senators Kawamoto, Sakamoto.

No. 2952 "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY EDUCATION."

Introduced by: Senators Kawamoto, Kanno, Tam.

No. 2953 "A BILL FOR AN ACT RELATING TO CENTRAL AUDITORY PROCESSING DEFICITS."

Introduced by: Senators Kawamoto, Chun Oakland, Kanno, Tam.

No. 2954 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senators Tam, Kanno, Aki, Anderson, Chun Oakland, Fukunaga, Ihara, Iwase, Kawamoto, Matsunaga, McCartney, Metcalf, Slom, Solomon.

No. 2955 "A BILL FOR AN ACT RELATING TO ASSAULT."

Introduced by: Senators Tam, Kanno, Anderson, Chun Oakland, Fukunaga, Ihara, Iwase, Kawamoto, Levin, Matsunaga, McCartney, Metcalf, Slom, Solomon, Taniguchi.

No. 2956 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Tam, Aki, Chumbley, Chun Oakland, Fukunaga, Kawamoto, McCartney, Metcalf, Slom, Solomon.

No. 2957 "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING."

Introduced by: Senator Tam.

No. 2958 "A BILL FOR AN ACT RELATING TO PLATINUM JEWELRY."

Introduced by: Senators Tam, Fukunaga, Chun Oakland, Ihara.

No. 2959 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PURCHASE OF SERVICES FOR 'ANO'ANO ALOHA'S 'NATIVE SEEDS: COMMUNITY MAPPING' PROJECT."

Introduced by: Senators Bunda, Aki, Baker, Chun Oakland, Fukunaga, Ige, D., Iwase, Kanno, Kawamoto, McCartney, Tam, Tanaka.

No. 2960 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Senators Bunda, Aki, Baker, Chun Oakland, Ige, D., Iwase, Kanno, Kawamoto, McCartney, Sakamoto, Solomon, Tam, Tanaka.

No. 2961 "A BILL FOR AN ACT RELATING TO FOREIGN CAPITAL DEPOSITORIES."

Introduced by: Senators Bunda, Aki, Baker, Chun Oakland, Ige, D., Kanno, McCartney, Sakamoto, Tam, Tanaka, Taniguchi.

No. 2962 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senators Baker, Chumbley.

No. 2963 "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE."

Introduced by: Senators Baker, Chumbley.

No. 2964 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND."

Introduced by: Senators Baker, Kanno, Fukunaga.

No. 2965 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER."

Introduced by: Senators Chumbley, Baker, Levin.

No. 2966 "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION."

Introduced by: Senators Matsunaga, Chumbley.

No. 2967 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KIDS VOTING HAWAII."

Introduced by: Senators McCartney, Tam.

No. 2968 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EAST-WEST CENTER."

Introduced by: Senators Fukunaga, Ige, D.

No. 2969 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senator Fukunaga.

No. 2970 "A BILL FOR AN ACT RELATING TO NOISE."

Introduced by: Senators Fukunaga, Ihara, Taniguchi.

No. 2971 "A BILL FOR AN ACT RELATING TO ATTORNEYS."

Introduced by: Senator Fukunaga, by request.

No. 2972 "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ACT."

Introduced by: Senator Sakamoto.

No. 2973 "A BILL FOR AN ACT RELATING TO ABORTION."

Introduced by: Senators Sakamoto, Aki, Anderson, Slom, Tanaka.

No. 2974 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Metcalf.

No. 2975 "A BILL FOR AN ACT RELATING TO LIABILITY."

Introduced by: Senator Metcalf.

No. 2976 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Metcalf.

No. 2977 "A BILL FOR AN ACT RELATING TO GOVERNMENT CONTRACTS."

Introduced by: Senator Metcalf, by request.

No. 2978 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."

Introduced by: Senator Metcalf.

No. 2979 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Kanno.

No. 2980 "A BILL FOR AN ACT RELATING TO DEGREE-GRANTING INSTITUTIONS."

Introduced by: Senator Ige, D., by request.

No. 2981 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Ige, D.

No. 2982 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Ige, D., Fukunaga.

No. 2983 "A BILL FOR AN ACT RELATING TO OFFICE OF INFORMATION PRACTICES."

Introduced by: Senators Ihara, Ige, D., McCartney, Metcalf.

No. 2984 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TENTH SENATORIAL DISTRICT."

Introduced by: Senator Ihara.

No. 2985 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Ihara, Baker, Fukunaga, Ige, D., McCartney.

No. 2986 "A BILL FOR AN ACT RELATING TO A MEDICAID LONG-TERM CARE DEMONSTRATION PROJECT."

Introduced by: Senators Chun Oakland, Kanno.

No. 2987 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."

Introduced by: Senator Chun Oakland.

No. 2988 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW."

Introduced by: Senators Chun Oakland, Kanno.

No. 2989 "A BILL FOR AN ACT RELATING TO THE DISABLED."

Introduced by: Senators Chun Oakland, Bunda.

No. 2990 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT."

Introduced by: Senators Chun Oakland, Kanno, Metcalf, Chumbley, Taniguchi, Ihara, McCartney, Kawamoto, Sakamoto, Matsunaga, Levin, Baker, Solomon, Tam, Ige, D., Aki, Fukunaga, Slom, Anderson, Bunda.

No. 2991 "A BILL FOR AN ACT RELATING TO A COMMUNITY-BASED INTEGRATED SOCIAL SERVICE PILOT PROJECT."

Introduced by: Senator Kanno, Kawamoto.

No. 2992 "A BILL FOR AN ACT RELATING TO THE CONSERVATION DISTRICT."

Introduced by: Senator Mizuguchi, by request.

No. 2993 "A BILL FOR AN ACT RELATING TO KAWAINUI MARSH."

Introduced by: Senator Mizuguchi, by request.

No. 2994 "A BILL FOR AN ACT RELATING TO THE CAMPAIGN SPENDING COMMISSION."

Introduced by: Senator Mizuguchi, by request.

No. 2995 "A BILL FOR AN ACT RELATING TO IRRIGATION."

Introduced by: Senator Mizuguchi, by request.

No. 2996 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY."

Introduced by: Senator Mizuguchi, by request.

No. 2997 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi, by request.

No. 2998 "A BILL FOR AN ACT RELATING TO WITNESS AND DEFENDANT EXPENSES."

Introduced by: Senator Mizuguchi, by request.

No. 2999 "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi, by request.

No. 3000 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi, by request.

No. 3001 "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS."

Introduced by: Senator Mizuguchi, by request.

No. 3002 "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE."

Introduced by: Senator Mizuguchi, by request.

No. 3003 "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES."

Introduced by: Senator Mizuguchi, by request.

No. 3004 "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."

Introduced by: Senator Mizuguchi, by request.

No. 3005 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senator Mizuguchi, by request.

No. 3006 "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES."

Introduced by: Senator Mizuguchi, by request.

No. 3007 "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS."

Introduced by: Senator Mizuguchi, by request.

No. 3008 "A BILL FOR AN ACT RELATING TO TAX CREDITS TO FACILITATE REGULATORY OVERSIGHT BY THE INSURANCE COMMISSIONER."

Introduced by: Senator Mizuguchi, by request.

No. 3009 "A BILL FOR AN ACT RELATING TO THE INCOME TAX DEDUCTION FOR DIVIDENDS."

Introduced by: Senator Mizuguchi, by request.

No. 3010 "A BILL FOR AN ACT RELATING TO TAX RELIEF FOR HEALTH CARE."

Introduced by: Senator Mizuguchi, by request.

No. 3011 "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION OF NONRESIDENTS."

Introduced by: Senator Mizuguchi, by request.

No. 3012 "A BILL FOR AN ACT RELATING TO THE USE TAX."

Introduced by: Senator Mizuguchi, by request.

No. 3013 "A BILL FOR AN ACT RELATING TO THE CIGARETTE TAX."

- Introduced by: Senator Mizuguchi, by request.
- No. 3014 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX SUBLEASE DEDUCTION."
- Introduced by: Senator Mizuguchi, by request.
- No. 3015 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX EXEMPTION FOR AIRCRAFT SERVICE AND MAINTENANCE FACILITIES."
- Introduced by: Senator Mizuguchi, by request.
- No. 3016 "A BILL FOR AN ACT RELATING TO THE USE TAXATION OF USED MOTOR VEHICLES."
- Introduced by: Senator Mizuguchi, by request.
- No. 3017 "A BILL FOR AN ACT RELATING TO CAPITOL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE ELEVENTH SENATORIAL DISTRICT."
- Introduced by: Senator Taniguchi.
- No. 3018 "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE."
- Introduced by: Senator Taniguchi.
- No. 3019 "A BILL FOR AN ACT RELATING TO TOURISM."
- Introduced by: Senator Taniguchi.
- No. 3020 "A BILL FOR AN ACT RELATING TO SCHOOL SAFETY."
- Introduced by: Senator Taniguchi.
- No. 3021 "A BILL FOR AN ACT RELATING TO SCHOOL SAFETY."
- Introduced by: Senator Taniguchi.
- No. 3022 "A BILL FOR AN ACT RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 3023 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senator Mizuguchi, by request.
- No. 3024 "A BILL FOR AN ACT RELATING TO QUARANTINE."
- Introduced by: Senator Mizuguchi, by request.
- No. 3025 "A BILL FOR AN ACT RELATING TO MILK CONTROL."
- Introduced by: Senator Mizuguchi, by request.
- No. 3026 "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION."
- Introduced by: Senator Mizuguchi, by request.
- No. 3027 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senator Mizuguchi, by request.
- No. 3028 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."
- Introduced by: Senator Mizuguchi, by request.
- No. 3029 "A BILL FOR AN ACT RELATING TO THE CIVIL IDENTIFICATION PROGRAM."
- Introduced by: Senator Mizuguchi, by request.
- No. 3030 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."
- Introduced by: Senator Mizuguchi, by request.
- No. 3031 "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC."
- Introduced by: Senator Mizuguchi, by request.
- No. 3032 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY DEVELOPMENT."
- Introduced by: Senator Mizuguchi, by request.
- No. 3033 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING."
- Introduced by: Senator Mizuguchi, by request.
- No. 3034 "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME AUTHORITY."
- Introduced by: Senator Mizuguchi, by request.
- No. 3035 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."
- Introduced by: Senator Mizuguchi, by request.
- No. 3036 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senator Mizuguchi, by request.
- No. 3037 "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 3038 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REPEAL CERTAIN PROVISIONS RELATING TO JUDICIAL COMPENSATION TO PERMIT JUDICIAL COMPENSATION TO BE ADMINISTERED IN CONFORMITY WITH OTHER EXEMPT SALARIED OFFICERS OF THE STATE."
- Introduced by: Senator Mizuguchi, by request.
- No. 3039 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."
- Introduced by: Senator Mizuguchi, by request.
- No. 3040 "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION."
- Introduced by: Senator Mizuguchi, by request.
- No. 3041 "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICES BY GOVERNMENT AGENCIES."
- Introduced by: Senator Mizuguchi, by request.

No. 3042 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Mizuguchi, by request.

No. 3043 "A BILL FOR AN ACT RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT."

Introduced by: Senator Mizuguchi, by request.

No. 3044 "A BILL FOR AN ACT RELATING TO SETTLEMENTS OF CLAIMS AGAINST THE STATE."

Introduced by: Senator Mizuguchi, by request.

No. 3045 "A BILL FOR AN ACT RELATING TO LAND COURT."

Introduced by: Senator Mizuguchi, by request.

No. 3046 "A BILL FOR AN ACT RELATING TO MISCONDUCT BY PUBLIC OFFICERS OR EMPLOYEES."

Introduced by: Senator Mizuguchi, by request.

No. 3047 "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF THE DEPARTMENTS OF ACCOUNTING AND GENERAL SERVICES, BUDGET AND FINANCE, AND HUMAN RESOURCES DEVELOPMENT."

Introduced by: Senator Mizuguchi, by request.

No. 3048 "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE AND OTHER EXECUTIVE BRANCHES OF STATE GOVERNMENT."

Introduced by: Senator Mizuguchi, by request.

No. 3049 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

Introduced by: Senator Mizuguchi, by request.

No. 3050 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED."

Introduced by: Senator Mizuguchi, by request.

No. 3051 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senator Mizuguchi, by request.

No. 3052 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Senator Mizuguchi, by request.

ADJOURNMENT

At 6:00 o'clock p.m., the Senate adjourned until 11:00 o'clock a.m., Wednesday, January 28, 1998.

ATTACHMENT "A"

MISC. COMM. NO. 6

REPORT OF THE SENATE PRESIDENT
CONCERNING THE MATTER OF
SENATOR JAMES AKI

Honolulu, Hawaii

January 27, 1998

The Senate
Nineteenth State Legislature
Regular Session of 1998
State of Hawaii

Members of the Senate:

In my capacity as President of the Senate of the Nineteenth State Legislature, I have taken certain steps before the commencement of the session to resolve matters regarding Senator James Aki. I anticipate a very difficult legislative session, and believe that it would be in our best interest that I resolve this matter expeditiously.

The purpose of this report is to report on my actions and to present the facts and issues in Senator Aki's case, the conclusions and result of my review of the facts and my meetings with Senator Aki, to recommend sanctions, if appropriate, and to conclude this matter administratively.

The facts and issues have been found and determined by the Judiciary Committee. In addition Senator Aki has provided additional information to supplement the Judiciary Committee's report. I have reviewed these facts and issues and have discussed them with Senator Aki.

On January 21, 1998, after my meeting with Senator Aki, I received a report by members of the Judiciary Committee who referred to themselves as dissenting members of the Judiciary Committee. I have taken their report into consideration in my deliberation on this matter.

I want to note that Mr. Desmond Byrne of Common Cause Hawaii filed a complaint with my office on this matter. I did not discuss my actions with Mr. Byrne; however, I wish to thank him for his commitment to the goals of Common Cause Hawaii. As members of the Senate, we have to represent the public's interest in this matter, and deal with public accusations against our members, and do so in the interest of the public. The complaint by Common Cause reminds us of our obligations.

I. Procedural Basis.

I am mindful of the questions by our members on whether my appointment of the Judiciary Committee to find the facts in an open forum was proper in light of our Senate Rules. The report by the dissenting members of the Judiciary Committee argues that the Judiciary Committee lacks jurisdiction to fact find "involving possible discipline against a member of the Senate," and that Rule 72 was violated.

My appointment of the Judiciary Committee to find and determine the facts in this matter was intended to assist me in performing my duties in a way that is consistent with the spirit and intent of Rule 72. In light of the public nature of the charges against Senator Aki, the Committee was asked to find the facts in an open and fair manner.

I appointed the Committee to only find the facts, not to judge nor make any recommendations as to discipline. Contrary to the dissenting members of the Committee, the Committee was not appointed as a special investigative committee. Under Chapter 21 of the Hawaii Revised Statutes, I do not have that authority without the consent of the Senate.

Under our Senate Rule 3(12), I believe that I am authorized to take actions and perform duties as are required by law or by our rules or as may properly pertain to the office of the Senate President. I believe that the Senate President may request the assistance of any of the committees to assist the President in performing the duties of the office. The Judiciary Committee appears to me to be the most appropriate one to fact find in the case before us.

Rule 72 as amended in 1995, included a provision requiring that the Senate President, upon receipt of a charge against a Senator, administratively resolve the charge before a special investigative committee is appointed. It is this intent, the administrative resolution, contained in Rule 72 that I wished to pursue. As I envisioned a difficult session, I believe that it was necessary to resolve this matter administratively. A special investigative committee with subpoena powers would have been the last resort.

I admit that the public charges against Senator Aki do not neatly fall into the language of Rule 72. The criminal indictments against one of our members were made publicly, and can not be easily ignored by those of us in the Senate. With the knowledge that one of our members had been publicly processed in the criminal courts, I could not ignore the language of the Constitution on our obligations to judge the qualifications of our members.

Article III, Section 12 of our Constitution states:

[The Senate] shall be the judge of the . . . qualifications of its own members and shall have for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure, or, upon a two-thirds vote of all the members [of the Senate], by suspension or expulsion of such member.

The constitutional provision is self-executing and does not require a rule or law to implement. I believe however, that Rule 72 provides us with a workable process to judge a member's qualifications in a manner that is fair to the member and consistent with due process.

I do not believe that I violated any of the rules of the Senate. But if it appears that I did, I did so to conform our actions to our constitutional obligations.

Background.

On July 18, 1996, the Grand Jury of the State of Hawaii charged Senator Aki with two felony counts relating to gambling activities. The activities allegedly took place two years earlier in February and March 1994.

Senator Aki publicly stated that he has not done anything wrong. He has and will continue to act in the best interest of the community and particularly the interest of the children in his community. He denied that he committed any crime. Nevertheless, criminal proceedings commenced against Senator Aki and ended on November 26, 1997. On that date, Judge Wilfred Watanabe accepted Senator Aki's request for a deferral of his no contest (DANC) pleas to the two charges. Judge Watanabe's acceptance of Senator Aki's DANC pleas concluded the criminal proceedings against Senator Aki on the condition that he pay a fine of \$1,000.00 to the general fund and does not violate the law.

On December 22, 1997, I appointed the Judiciary Committee to find and determine the facts involving Senator Aki's two felony gambling charges.

On January 19, 1998, the Committee submitted its report to me. The report noted that Senator Aki, on the advice of counsel, refused to testify.

According to Senator Aki's counsel, Senator Aki was advised not to testify because the Committee lacked jurisdiction to perform this fact-finding, and that the appointment of the Judiciary Committee violated Senator Aki's due process rights. Senator Aki did not wish to waive any rights that he may have had by testifying before the Committee.

On the date of the hearing on January 14, 1998, Senator Aki appeared before the Committee and submitted written comments.

After receipt of the report, I met with Senator Aki and his counsel. At Senator Aki's request, I agreed to give him and his counsel time to submit a written statement in his favor to be considered along with the Judiciary Committee's report.

Reasons for the Selection of Judiciary Committee.

There were several reasons why I decided to use the Judiciary Committee.

All of the information that I had on the case against Senator Aki came from television, newspaper, and unsubstantiated rumors. I needed more than that to determine whether Senator Aki committed a misconduct under the Constitution that would justify the Senate's imposition of punishment. I needed to see facts that were independently and impartially obtained. An established bi-partisan committee would best serve that purpose. The scope of the Judiciary Committee's responsibilities made it the committee of my choice.

Also, despite my personal belief that I would have been able to find the facts myself without any bias, I also believe that avoiding the appearance of bias in this matter was important. I was elected as President of the Senate succeeding Senator Aki. I did not feel comfortable in the role of a fact-finder under these circumstances.

Reasons for an Open Hearing.

My decision to allow the hearing to be open was not made in haste. The charges against Senator Aki were serious and publicly made. Senator Aki also expressed a desire to have a full and fair hearing. In light of the public nature of the charges against the Senator, and the need for a full and fair process, an open hearing was the only clear alternative.

An open hearing would have also provided Senator Aki a forum to state his case and express his views to be added to the Committee's report.

Findings of the Judiciary Committee.

On January 19, 1998, the Judiciary Committee submitted its report. I have supplemented the Findings with relevant facts provided by Senator Aki. I have also considered the dissenting members report. In summary, the report and Senator Aki's additions provide the following relevant facts:

On July 18, 1996, Senator James Aki was indicted by the grand jury on two counts: (1) promoting gambling in the first degree, and (2) unlawful operation of a business in violation of State racketeering laws.

The indictment by the grand jury is not a reliable basis for determining whether the Senator's conduct was in fact criminal.

The charges were the result of an undercover police investigation that began with an anonymous telephone call to the Honolulu Police Department (HPD) in January 1994. The caller stated that illegal gambling was taking place in Nanakuli.

The HPD commenced a sting operation in February and March 1994. Undercover police officers were on the premises on 12 different days and witnessed gambling in the form of bingo being operated by the United Parents and Children of Polynesia, Inc. (UPCOP) on property that was owned by Senator Aki.

At no time during the 12 days of the sting operation was Senator Aki ever observed as being on the premises.

The Police observed that payments of \$20.00 to \$40.00 were required to play bingo, and approximately 250 to 350 individuals participated in the bingo games during each of the days that the HPD were on the premises.

According to the HPD, UPCOP had workers collecting monies from and making change for participants, parking cars, selling bingo cards, and serving food and drinks. Waitresses took orders and delivered food and drink from Nanakuli Inn. The restaurant was owned by Senator Aki. Senator Aki does not himself operate the restaurant.

HPD did not have any specific evidence that food and drink were purchased from Nanakuli Inn. Senator Aki stated that UPCOP used the kitchen facilities, materials and supplies, and actually owes more than \$2,000.00 to Nanakuli Inn.

HPD estimated that UPCOP collected \$20,650.00 per day and the State Department of Taxation calculations indicated that in 1994, UPCOP realized an income of \$83,960.00.

After the last raid by the Police on March 12, 1994, HPD discovered \$23,273.00 in a back room of the property, and documents that revealed that Senator Aki was made an honorary officer of UPCOP.

Senator Aki had no knowledge of his being named as an honorary officer of UPCOP.

UPCOP was a church based nonprofit organization to raise money for community projects, educational scholarships and to assist members in the community to become self-sufficient. Senator Aki knew the pastor of the church, and through that relationship was introduced to the principals of UPCOP.

Senator Aki was informed that the principals of UPCOP were church members and parents of children living in his senatorial district.

In 1993, UPCOP contacted the manager of the property that was owned by Senator Aki to rent and to use it for UPCOP's fundraising purposes. At that time, Senator Aki did not know, nor did he ask how the money would be raised by UPCOP's use of his property. He agreed to let UPCOP use 5,000 square feet of his property, but because he was intending to sell the property, he did not want to enter into a long term lease and tie up his property.

UPCOP commenced occupancy of the property in November 1993. It hired a contractor to renovate the bathrooms, install concrete slabs, paint the building, and do other miscellaneous carpentry work. The work performed was poorly done and of no benefit to Senator Aki.

UPCOP paid the \$100.00 rent for November 1993. Senator Aki did not personally collect or receive any of the rental payments. Rental payments were collected on his behalf by the manager of the property, and deposited into his bank account. He believes that UPCOP made lease payments through March 1994.

Senator Aki first visited the leased premises in December 1993. At that time he saw about 50 individuals playing bingo. Senator Aki made two more visits to the site. During these visits, he did not see any exchange of monies, or selling of bingo cards, nor any drinking of alcoholic beverages. He observed a large number of members playing bingo in a well-behaved manner.

Senator Aki questioned UPCOP as to whether the property was being used illegally. He was assured by UPCOP that they were simply playing bingo, and that there were no profits being made by UPCOP and all proceeds that were collected went to community services, scholarships and assistance to members. Senator Aki, without further inquiry, accepted UPCOP's explanation.

In 1994, UPCOP requested more space as its activities on the property were increasing. Senator Aki agreed to let UPCOP use more of the property. He never discussed money matters with UPCOP. All money matters were discussed with the property manager, who agreed with UPCOP that \$500.00 would be a fair lease amount. Senator Aki did not visit the site during the period of UPCOP's heightened use of the premises.

Senator Aki admits that he knew that the reason for UPCOP's need for more space was that there were more and more people attending the bingo games.

Senator Aki denies that he received any monies from UPCOP, but acknowledges that his property manager may have collected rent. The total amount of rent received by Senator Aki's property manager during the period November 1993 to March 1994 was \$800.00.

Senator Aki denies that the Nanakuli Inn sold food and beverages to UPCOP.

In March 1994, HPD conducted a raid of the premises. Senator Aki was not present at the premises when the raid occurred.

When Senator Aki was informed of the raid, he immediately terminated the lease with UPCOP and refused to accept any further lease payments.

Senator Aki did not have a bad motive. In fact his motives in working with UPCOP were entirely based on his desire to help his community, and all the children that were in need of assistance and education. He believed in UPCOP and its charitable purposes.

Senator Aki was first elected to the State House of Representatives in 1970 and served in the 1971 State Legislature. He has been a member of the Hawaii State Legislature since then.

He has been a member of the State Senate since 1982 and currently represents the 21st Senatorial District. He was a public school teacher for 10 years, served in the United States Army Reserves, 100th Battalion from 1957 until 1967. He is currently a shareholder in Nanakuli Investments, Inc.

He has chaired numerous committees, including Education, Higher Education, Water, Land, and Hawaiian Affairs. He was elected by his peers to serve as the Senate President in the 1993-1994 Legislature.

Senator Aki's term will expire, and he will, if he so chooses, again run for office this year.

No Contest Pleas, Deferred Acceptance of No Contest Pleas and other Legal Issues.

The Judiciary Committee explained the no contest pleas, the deferred acceptance of no contest (DANC) plea process and its underlying principles, and other legal issues.

Deputy Prosecutor Randall Lee clarified that when a defendant pleads no contest, the accused is stating that he is aware of all the evidence presented and that he will not contest the charges. This is different from a guilty plea whereby a defendant expressly admits to a violation of the law and all the elements involved in the charge. A no contest plea is not the same as an admission of guilt because it cannot be used against Senator Aki in any civil action.

Senator Aki's attorney, Mr. Michael Green, stated that a no contest plea means that Senator Aki neither admitted nor denied the charges.

The acceptance of Senator Aki's DANC plea by the court means that he is no longer subject to a formal proceeding based on the same facts in the criminal case. The purpose behind the DANC plea process is to allow individuals, who make a mistake or an error in judgment, to continue their lives without a blemish on their otherwise good record.

According to Mr. Green, the court's acceptance of the DANC plea means that there has been no adjudication and therefore no judgment of any kind against Senator Aki.

Administrative Proceedings.

I first discussed my intentions to proceed with a peer review with Senator Aki in November 1997, soon after the conclusion of the criminal proceedings. I met with Senator Aki to discuss the findings made by the Judiciary Committee and my own preliminary findings and recommendations.

Senator Aki has agreed with my final report and has agreed to conclude this matter administratively and to accept my recommendations.

Appraisal of the Situation.

The court has reviewed the very same facts that we have before us and has deferred making a judgment in this case. Its decision in the criminal proceeding was made without regard to Senator Aki's social or political status. It has both the expertise and procedures to properly and fairly make the call.

I did not judge Senator Aki according to our criminal laws and procedures. We are obligated by our Constitution to determine if the Senator, in light of the public charges that were made against him, his conduct, and the facts as we know them, should be judged by us, and if misconduct, disorderly behavior or neglect of duty is found, punished by expulsion, suspension, or by censure or other penalty, or not at all.

In our judgment, we must be mindful that Senator Aki has served the public well and long. It is not necessary to list his years of service in the Legislature or his accomplishments in service. Suffice it to say that in all the prior years of his legislative service he has faithfully performed the duties of his office.

While the charges against him have cast a cloud on the Senate, it will not be wise for us to allow this issue to linger. We are faced with daunting legislative tasks, and must settle this matter quickly.

Misconduct, Disorderly Behavior, and Neglect of Duty.

Under Article III, Section 12, we are given the power to judge the qualifications of our members and to punish a member for misconduct, disorderly behavior, and neglect of duty. Our authority to judge the qualifications of our own members has been defined as absolute and the courts have no power to control, direct, supervise or forbid our exercise of this power. The power to discipline is inherent in all legislative bodies. The power is used to respond to official misconduct, as well as private misconduct, particularly when it reflects upon a member's loyalty or integrity in general and tends to diminish public confidence in the legislator's capacities.

Our Constitution does not specify the grounds for which a lawmaker may be disciplined. We are given the flexibility to view censure, expulsion and other disciplinary actions as points on a continuum for responding to member misconduct.

The provisions of Article III, Section 12 were formed in the 1950 Constitutional Convention. The meaning of "misconduct" is found in a brief statement in Standing Committee Report No. 92 of the Constitutional Convention of 1950. The report stated that "[t]he grounds for punishment have been enlarged to include misconduct, which term is to be taken in its broadest sense." (Page 252 of the 1950 Constitutional Convention Journal.)

In the recent past, the term "misconduct" has been applied so that it includes activity outside of the Legislature. Recent examples include the Senate's review of the activities of ex-Senators Steve Cobb and Milton Holt.

Expulsion or Suspension from Office.

I do not recommend expulsion or suspension from office. The facts before me do not justify this extraordinary measure.

Also, Senator Aki was elected to serve his Senatorial district for four years. Except in cases of extraordinary circumstances, we should not interfere with the choice made by the voters. I do not find such extraordinary circumstances in the Judiciary Committee's report.

I do not recommend suspension from office for similar reasons. The facts do not support suspension. To suspend Senator Aki would temporarily disenfranchise the people in his district that elected him to represent their interest.

Resignation from Office.

There is no good reason for Senator Aki to resign his office.

Resignation from office is a decision to be made by the Senator. He wants to remain in office to continue serving his constituency. He should be allowed to do so.

Recommendations.

Before taking action on my recommendations, I wish to thank the Judiciary Committee for its assistance in this difficult matter. It took on this task with short notice and did an outstanding job of gathering, analyzing, and reporting the facts.

I thank all of the members for their input and their opinions in this matter.

My recommendations are based on the foregoing, the Judiciary Committee's findings, supplemented by Senator Aki's submittal and the submittal by the dissenting members of the Judiciary Committee, my meetings with Senator Aki, and his counsel, and my own deliberations on this matter.

I have taken into consideration Senator Aki's long and faithful commitment to public service, the high standards of conduct that we are expected to maintain, our obligations to uphold the Constitution, and our fiduciary responsibility to the people of the State of Hawaii.

Senator Aki has accepted my recommendations.

It is my recommendation that Senator Aki be retained as a Co-chair of the Committee on Education. His background as an educator and his prior service in that committee will serve the Senate well. He has accepted the challenges that are before us in both higher and lower education matters. Also, the basic organizational structure and the co-chair concepts we initiated this Legislature should continue and be allowed to function as we envisioned before we began this Legislature in 1997.

After full discussion, Senator Aki agreed to voluntarily step down as a member of the Committees on Commerce, Consumer Protection, and Information Technology, and Transportation and Intergovernmental Affairs.

His stepping down as a member of the Committee on Commerce, Consumer Protection, and Information Technology makes him the only member of the Senate who is not a member of one of the top three committees in the Senate. He will nevertheless be allowed and expected to vote on all matters relating to these subject matters.

I also recommend that the Senator be disqualified from traveling out of State at the expense of the State Senate for the duration of the Nineteenth State Legislature.

Finally, I recommend that the Senator be required to submit a formal letter of explanation to the Senate and the people of Hawaii.

Conclusions.

These recommendations of Senate actions are necessary. They express our concern with Senator Aki's actions, and inform all of us that we must be vigilant and committed to maintaining the high standards of our office at all times. We cannot ignore the public and private failures of our members and are obligated to take steps by fair and certain punishments to prevent future occurrences.

We need to now put this matter to rest, committing our energies to our legislative tasks.

I hereby recommend that this report be accepted by the members of the Senate. Acceptance means that the Senate approves my recommendations as agreed to by Senator Aki as stated herein.

This report will be entered in the Journal of the Senate, upon its acceptance.

Very truly yours,

/s/ Norman Mizuguchi
NORMAN MIZUGUCHI
President of the Senate.